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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/543,197

07/22/2005

Oliver Hartkopp

101215-192

5509

27387 7590 08/12/2008  
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EXAMINER

KOVALICK, VINCENT E

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

08/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/543,197	<b>Applicant(s)</b> HARTKOPP, OLIVER	
	<b>Examiner</b> VINCE E. KOVALICK	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 19-20 is/are rejected.
- 7) ☐ Claim(s) 15-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. This Office Action is in response to Applicant's Amendment dated May 30, 2008 in response to USPTO Office Action dated March 5, 2008.

The amendments to claims 2-20 and the cancellation of claims 21-22 are noted and entered in the record.

The 35 USC 102 rejection of claims 1-15 and 19-20 is herewith withdrawn.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10, 12-14 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over May (USP 6,348,772) taken with Klein et al. USP 6,410,866).

Relative to claim 1, May **teaches** a control device (col. 1, lines 65-67; col. 2, lines 1-67 and col. 3, lines 1-50); May further **teaches** a control device with haptic feedback with at least one actuating element (col. 4, lines 1-14; Abstract and Fig. 1), and at least one positioning device (col. 3, lines 43-48, and Abstract); wherein the at least one actuating element can be displaced in at least one degree of freedom (col. 2, lines 50-61; col. 4, lines 3-27 and Abstract); the at least one actuating element includes at least one display device (col. 2, lines 43-48; col. 4, lines 17-27 and 61-67; col. 5, lines 1-3 and Fig. 6 item 15), and a force can

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be applied by the at least one positioning device to the at least one actuating element (col. 3, lines 3-17 and Fig. 1 item 4).

May **does not teach** at least one switching device.

Klein et al teaches an operating device (col.1, lines 38-67 and col. 2, lines 1-34); Klein et al. further col. 4, lines 3-27, teaches at least one switching device (col. 2, lines 36-38 and col. 3, lines 1-9).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by May the feature as taught by Klein et al. in order to increase the application features or the haptic feedback device.

Regarding claim 2, May **teaches** the control device wherein the at least one display device can be freely programmed (col. 2, lines 39-42).

As to claim 3, May **teaches** the control device wherein the at least one display device is programmed so that the available display area of the at least one display device can be divided into at least one display field (Fig. 6 item 9)

Regarding claims 6, May **teaches** the control device wherein at least one graphic object can be displayed by the at least one display device (Fig. 6).

Relative to claim 7, May **teaches** the control device wherein the at least one graphic object represents an alphanumeric character, a graphic symbol, an image, and the like. The letter “9”

Regard claim 8, May **teaches** the control device wherein the at least one positioning device comprises a resilient element, a rubber cross, an electromechanical actuator, a pneumatic actuator, a piezoelectric actuator, and the like (Fig. 1, item 4).

Relative to claim 10, May **teaches** the control device wherein the at least one actuating element is guided in the hollow body in at least one spatial direction (Fig. 1)

Regarding claims 11, May **teaches** 11. the control device wherein the movement of the at least one actuating element in the at least one spatial direction is limited by a limit stop element (col. 4, lines 12-15).

As to claim 12, May **teaches** the control device wherein the control device is integrated in an operator island (Fig. 1).

Regarding claim 13, May **teaches** the control device wherein the operator island includes at least one operating element (Fig. 1).

Relative to claim 19, May **teaches** the control device wherein the at least one display device is circular, polygonal, and the like (Fig. 6).

As to claim 20, May **teaches** the control device wherein the at least one display device comprises a liquid crystal display (LCD), using light emitting diodes (LED) (col. 2, lines 34-41).

Relative to claim 4, Klein et al. **teaches** the control device wherein the at least one switching device can be associated with the at least one display field and can be activated by a force applied to the at least one actuating element or the at least one switching device in the region of the at least one display field (col. 3, lines 3-10).

Regarding claim 5, Klein et al. **teaches** the control device comprises a pushbutton, a switch, a touch-sensitive foil, and the like (col. 3, lines 10-14).

As to claim 9, Kline et al. **teaches** the control device comprises a hollow body with at least one opening (Fig. 1).

Regarding claim 14, Klein et al. **teaches** the control device wherein the at least one operating element comprises a pushbutton (col. 3, lines 3-10 and Abstract).

*Allowable Subject Matter*

4. Claims 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 15, major difference between the teachings of the prior art of record (USP 6,410,866, Klein et al. and USP 6,348,772) and that of the instant invention is that said prior art of record **does not teach** the control device wherein at least one function of the at least one operating element and/or at least one state of the at least one operating element (30; 32) can be visualized with the at least one display device.

Regarding claim 16, major difference between the teachings of the said prior art of record and that of the instant invention is that said prior art of record **does not teach** the control device wherein the at least one display device includes at least one auxiliary touch sensor that supports selection of the at least one graphic object displayable by the at least one display device ).

*Response to Applicant's Arguments*

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No.	6,337,678	Fish
U.S. Patent No	6,211,861	Rosenberg et al..
Pub. No.	US 2003/0184574	Phillips et al.

*To Respond*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINCE E. KOVALICK whose telephone number is (571)272-7669. The examiner can normally be reached on Monday-Thursday 7:30- 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vincent E Kovalick/  
Examiner, Art Unit 2629  
August 6, 2008

/Bipin Shalwala/

Supervisory Patent Examiner, Art Unit 2629

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